

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EARL JAMES GOBIN,

Plaintiff,

v.

KATHLEEN HOGAN,

Defendant.

CASE NO. C20-1044 MJP

ORDER ON MOTION TO  
APPOINT COUNSEL

Mr. Gobin, currently appearing *pro se*, has requested that this Court appoint counsel to represent him in his lawsuit. Dkt. No. 2. 28 U.S.C. § 1915(e)(1) permits the court, in its discretion, to request an attorney to represent any person unable to afford counsel.

However, “[a] motion for appointment of counsel under 28 U.S.C. § 1915 is addressed to the sound discretion of the trial court and is granted only in exceptional circumstances.” Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984)(citing United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)). The finding of “exceptional circumstances” requires the court to evaluate the likelihood of success on the merits of Plaintiff’s claim and the ability of the Plaintiff

1 to articulate the claim *pro se* in light of the complexity of the legal issues involved. Weygandt v.  
2 Look, 718 F.2d 952, 954 (9th Cir. 1983).


3 While the Court is not prepared to venture an opinion of Plaintiff's likelihood of success  
4 on the merits of his complaint, it is noted (based on the materials provided by Plaintiff) that  
5 Plaintiff has previously successfully negotiated a settlement of some portion of his employment  
6 claims with his former employer, and appears quite capable of articulating the bases of his  
7 current claims. He is a former professional in the technology industry and his writing indicates a  
8 person who is both lucid and intelligent.

9 The Court is unable to find at this time that Plaintiff would be unable to articulate his  
10 claims without assistance, and therefore, in view of the relative shortage of attorneys available  
11 for and willing to do *pro bono* legal work,

12 IT IS ORDERED that the motion to appoint counsel is DENIED.

13 The clerk is ordered to provide copies of this order to Plaintiff and to all counsel.

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15 Dated July \_28\_, 2020.

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18 Marsha J. Pechman  
19 United States Senior District Judge  
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